TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: David M. Abramson, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, ZB 8-2-04 / 04-403 / Lorson Estates / 1275 Southwest 130th Avenue / Generally located on the northwest corner of Southwest 14th Street and Southwest 130th Avenue

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:
Rezone the subject site **FROM:** A-1, Agricultural District **TO:** R-5, Low Medium Dwelling District.

The petitioner is proposing to construct a single-family residential development on the 4.37 Acres (190,675 Square Feet) subject site. The subject site is located on the northwest corner of Southwest 14th Street and Southwest 130th Avenue.

Neighboring to the north of the subject site is a single-family home zoned A-1, Agricultural District. To the east is a single-family residential development zoned Planned Residential District (PRD) - 5. Contiguous to the south are single-family homes zoned E, Estate Dwelling District. Moreover, to the west are single-family homes zoned A-1, Agricultural District.

Currently, the subject site is zoned A-1, Agricultural District, which is a valid Town of Davie zoning district. The petitioner plans to develop eleven (11) single-family homes on the subject site. Therefore, the petitioner has requested to rezone the subject site to R-5, Low Medium Density Dwelling District to permit this use.

The subject site's Land Use Plan Map designation is Residential 5 DU / Acre. The Town of Davie's R-5, Low Medium Density Dwelling District zoning designation is consistent with the underlying Land Use designation.

PREVIOUS ACTIONS: None

CONCURRENCES:
At the December 14, 2005 Planning and Zoning Board Meeting, Mr. Stevens made a motion, seconded by Mr. Luis, to table P 8-3-04, Lorson Estates to January 11, 2006 **(Motion carried 5-0)**

At the January 11, 2006 Planning and Zoning Board Meeting, Mr. Stevens made a motion, seconded by Chair Bender, to table to February 8, 2006 **(Motion carried 3-0, Vice-Chair McLaughlin and Ms. Turin were absent)**

At the February 8, 2006, Planning and Zoning Board Meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to deny the rezoning on the basis of Section 12-307(A)(1) of the Code for the following reasons: that the proposed change will adversely affect living conditions in the neighborhood. The Board having received substantial credible evidence from those testifying determines that the proposed change will adversely affect the living conditions in this surrounding neighborhood; Subsection (e), the Board having received substantial credible evidence has determined that the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or otherwise affect the public safety; Subsection (i), the Board having received substantial credible evidence from those testifying believes that there is not substantial reasons why the property cannot be used in accord with the existing zoning; therefore, the Board respectfully moves that the rezoning be denied. **(Motion carried 4-0, Vice-Chair McLaughlin abstained).**

FISCAL IMPACT: None

RECOMMENDATION(S):
Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s):
Ordinance, Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District to R-5, Low Medium Density Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District to R-5, Low Medium Density Dwelling District:

a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-5, Low Medium Density Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2006.

PASSED ON SECOND READING THIS _____ DAY OF_____, 2006.

ATTEST:

_____
MAYOR/COUNCILMEMBER

_____
TOWN CLERK

APPROVED THIS_____ DAY OF _____, 2006.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

Applicant Information

Petitioner:
Name: Synalovski Guitierrez Romanik Architects, Inc (Monica Capelluto)
Address: 400 Northeast 3rd Avenue
City: Ft. Lauderdale, Florida 33301
Phone: (954) 961-6806

Owner:
Name: POA / Acecon Construction Group (Paul J. Polito)
Address: 1275 Southwest 130th Avenue
City: Davie, Florida 33325
Phone: (954) 217-8616

Background Information

Date of Notification: December 7, 2005 **Number of Notifications:** 155

Application History: No deferrals have been requested.

Application Request: Rezone the approximately 4.37 acre subject site **FROM:** A-1, Agricultural District **TO:** R-5, Low Medium Density Dwelling District

Address/Location: 1275 Southwest 130th Avenue / Generally located on the northwest corner of Southwest 14th Street and Southwest 130th Avenue

Future Land Use Plan Designation: Residential 5 DU / Acre

Existing Zoning: A-1, Agricultural District

Proposed Zoning: R-5, Low Medium Density Dwelling District

Existing Use: One (1) Single-Family Home

Proposed Use: Eleven (11) Single-Family Homes

Net Parcel Size: 3.80 Acres (165,671 Square Feet)

Gross Parcel Size: 4.37 Acres (190,675 Square Feet)

	Surrounding Uses:	Surrounding Future Land Use Plan Map Designations:
North:	Single-Family Home	Residential 5 DU/AC
South:	Single-Family Home	Residential-1 DU/AC
East:	Single-Family Homes (Arboretum)	Residential-3 DU/AC
West:	Single-Family Home	Residential-5 DU/AC

	Surrounding Zoning:
North:	A-1, Agricultural District
South:	R-1, Estate Dwelling District
East:	PRD-5, Planned Residential District
West:	A-1, Agricultural District

Zoning History

Related Zoning History:
Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Concurrent requests on same property:
Site Plan Application (SP 8-12-04 Lorson Estates), this site plan application is for eleven (11) single-family homes.

Plat Application (ZB 8-3-04 Lorson Estates), this plat application is for eleven (11) lot specific parcels.

Application Details

The petitioner is proposing to construct a single-family residential development on the 4.37 Acres (190,675 Square Feet) subject site. The subject site is located on the northwest corner of Southwest 14th Street and Southwest 130th Avenue.

Neighboring to the north of the subject site is a single-family home zoned A-1, Agricultural District. To the east is a single-family residential development zoned Planned Residential District (PRD) - 5. Contiguous to the south are single-family homes zoned E, Estate Dwelling District. Moreover, to the west are single-family homes zoned A-1, Agricultural District.

Currently, the subject site is zoned A-1, Agricultural District, which is a valid Town of Davie zoning district. The petitioner plans to develop eleven (11) single-family homes on the subject site. Therefore, the petitioner has requested to rezone the subject site to R-5, Low Medium Density Dwelling District to permit this use.

The subject site's Land Use Plan Map designation is Residential 5 DU / Acre. The Town of Davie's R-5, Low Medium Density Dwelling District zoning designation is consistent with the underlying Land Use designation.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code: review for rezonings.

Section 12-81 of the Land Development Code: Conventional Multi-family Development Standards, R-5, Low Medium Density Dwelling District, requires the following minimums: lot area of 7,000 square feet, frontage of 75 feet, front setback of 25 feet, side and rear setbacks of 15 feet, maximum building height of 15 feet.

Comprehensive Plan Considerations

Planning Area:
The subject property falls within Planning Area 3. Planning Area 3 is bound by I-595 on the north side, I-75 on the west side, SW 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre, including the Shenandoah development, occupying the western half of the planning area, and several mobile home subdivisions.

Broward County Land Use Plan:
The subject site falls within Flexibility Zone 113. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies:
Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Staff Analysis

The purpose of this request is to rezone the subject site from A-1, Agricultural District to R-5, Low Medium Density Dwelling District. According to the existing Land Development Code,

R-5 zoning district allows five (5) multi-family dwelling units per acre, while A-1 zoning district only allows one (1) single-family dwelling unit per acre.

This rezoning is also consistent with the Comprehensive Plan and Land Development Code. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation, which is Residential 5 DU/Acre.

Findings of Fact

Rezonings:
Section 12-307(A) (1):
The following findings of facts apply to the rezoning request:

(a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan Map designates the parcel as Residential (5 DU/AC), and the comprehensive plan allows single-family dwelling density to be developed in this residential land use category.

(b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The requested R-5, Low Medium Density Dwelling District is related and compatible with the adjacent single-family residential communities to the east zoned Planned Residential District (PRD – 5).

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing A-1, Agricultural District boundaries are logically drawn.

(d) The proposed change will not adversely affect living conditions in the neighborhood;

The development of eleven (11) single-family homes will not have adverse impacts on the surrounding area. This residential density is permissible to abutting properties with the same land use designation.

(e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The traffic generated by eleven (11) single-family homes is what the land use plan anticipated. Prior to final approval of the concurrent site plan, off-site improvements shall be requested of developer.

(f) The proposed change will not adversely affect other property values;

Surrounding property values will not be adversely impacted by the development of single-homes on the subject site. Single-family homes currently exist on all abutting properties.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Development of the subject site will not deter development or improvement of adjacent parcels. The subject site proposes to tie in with future residential development to the north.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

The subject site can be developed according to the existing zoning district standards; however the requested designation is consistent with the land use plan.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the Future Land Use Plan Map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed zoning designation is consistent with the Future Land Use Plan Map and is therefore the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the December 14, 2005 Planning and Zoning Board Meeting, Mr. Stevens made a motion, seconded by Mr. Luis, to table P 8-3-04, Lorson Estates to January 11, 2006 **(Motion carried 5-0)**

At the January 11, 2006 Planning and Zoning Board Meeting, Mr. Stevens made a motion, seconded by Chair Bender, to table to February 8, 2006 **(Motion carried 3-0, Vice-Chair McLaughlin and Ms. Turin were absent)**

At the February 8, 2006, Planning and Zoning Board Meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to deny the rezoning on the basis of Section 12-307(A)(1) of the Code for the following reasons: that the proposed change will adversely affect living conditions in the neighborhood. The Board having received substantial credible evidence from those testifying determines that the proposed change will adversely affect the living conditions in this surrounding neighborhood; Subsection (e), the Board having received substantial credible evidence has determined that the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or otherwise affect the public safety; Subsection (i), the Board having received substantial credible evidence from those testifying believes that there is not substantial reasons why the property cannot be used in accord with the existing zoning; therefore, the Board respectfully moves that the rezoning be denied. **(Motion carried 4-0, Vice-Chair McLaughlin abstained).**

Town Council

Exhibits

1. Justification
2. Proposed Site Plan Sketch
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: _____ Reviewed by: _____

Exhibit 1 ***(Justification Letter)***

SYNALOVSKI GUTIERREZ ROMANIK ARCHITECTS, INC.
Manuel Synalovski, AIA • Jorge Gutierrez, AIA • Merrill Romanik, AIA • Nikolay Ryaboy

LORSON ESTATES

Residential Development

Town of Davie, Florida

January 18, 2005

Justification Letter for Rezoning Request:

Lorson Estates is intended to implement a beautiful residential community in harmony with the Unique Floridian Rural and Equestrian lifestyle character of the Town of Davie.

In order to consider the current Land Use designated for the property ***(L-5) 5 dwelling units per acre*** *we request a Rezoning of the property from* ***Agriculture (AG) District*** which protects historically demonstrated agriculture productivity and allows a limited number of dwelling units by providing lots on an acre in size or larger; to ***Low Medium Density Dwelling R-5 District*** which allows five (5) dwelling units per acre as described in the residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie in the Comprehensive Plan.

The greatest benefit of this proposed development is its lower density relative to the allowed five (5) units per acre. The proposed residential development has a density of three (2.2) units per acre. The gross area of 5.0 Acres divided by three (2.2) units to an acre is equal to eleven (11) homes.

Thus, the resulting maximum of eleven (11) homes being proposed.

Architecture • Planning • Interior Design
3950 North 46th Avenue • Hollywood, FL 33021 • Telephone 954.961.6806 • Facsimile 954.961.6807 • stars@synalovskigutierrez.com

Almost all the requirements for the R-5 zoning district are been met and comply with. All lots will be larger than the minimum required by the zoning district. The architecture of the proposed residences is respectfully designed in strict compliance with the aesthetics regulations of the Town of Davie Code of Ordinances.

In order to establish a formidable family oriented community, the proposed development uses site architectural elements to create unique characters: beautiful landscaped green buffers fronting S.W, 130th Avenue and S.W.14th Street, curbing at the entrances, pavers, streetlight fixtures, exterior residential light fixtures and landscape material are carefully selected and designed. In addition, the proposed development contributes with the "Recreational Trail" dedicating a portion of the Site for that purpose.
Pedestrian walks have been provided along the length of the new R.O.W to eliminate the need for any foot traffic on paved road sections.

The proposed common open space will be owned and maintained by LORSON HOMES Homeowner's Association.

Review criteria of section 12-307 of the Land Development Code:

(a) The proposed changes do not contradict the adopted comprehensive plan, as amended, or any element or portion thereof. In the current comprehensive Plan the designated land use: L-5 *(5 dwelling unit per acre).*

(b) The proposed change will not create an isolated zoning district and will be compatible with adjacent and nearby districts. The future development is actually located in front of

two residential communities to the South (Davie Oaks) and to the East (Orange Tree Homes).

(c) Existing zoning district boundaries are not illogically drawn in relation to existing conditions on the property proposed for change.

(d) The proposed change will enhance the living conditions in the neighborhood.

(e) The proposed change will not create or increase automobile and vehicular traffic congestion.

(f) The proposed change will positively affect adversely other property values.

(g) The proposed change will not be a deterrent to the improvement or development of other property on accord with existing regulations.

(h) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of general public.

(i) The property still can be used according with existing zoning. Either way the new use (Residential) is compatible with the designated land use.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Jorge Gutierrez, AIA
FL #14,571.

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Exhibit 2 ***(Proposed Site Plan Sketch)***

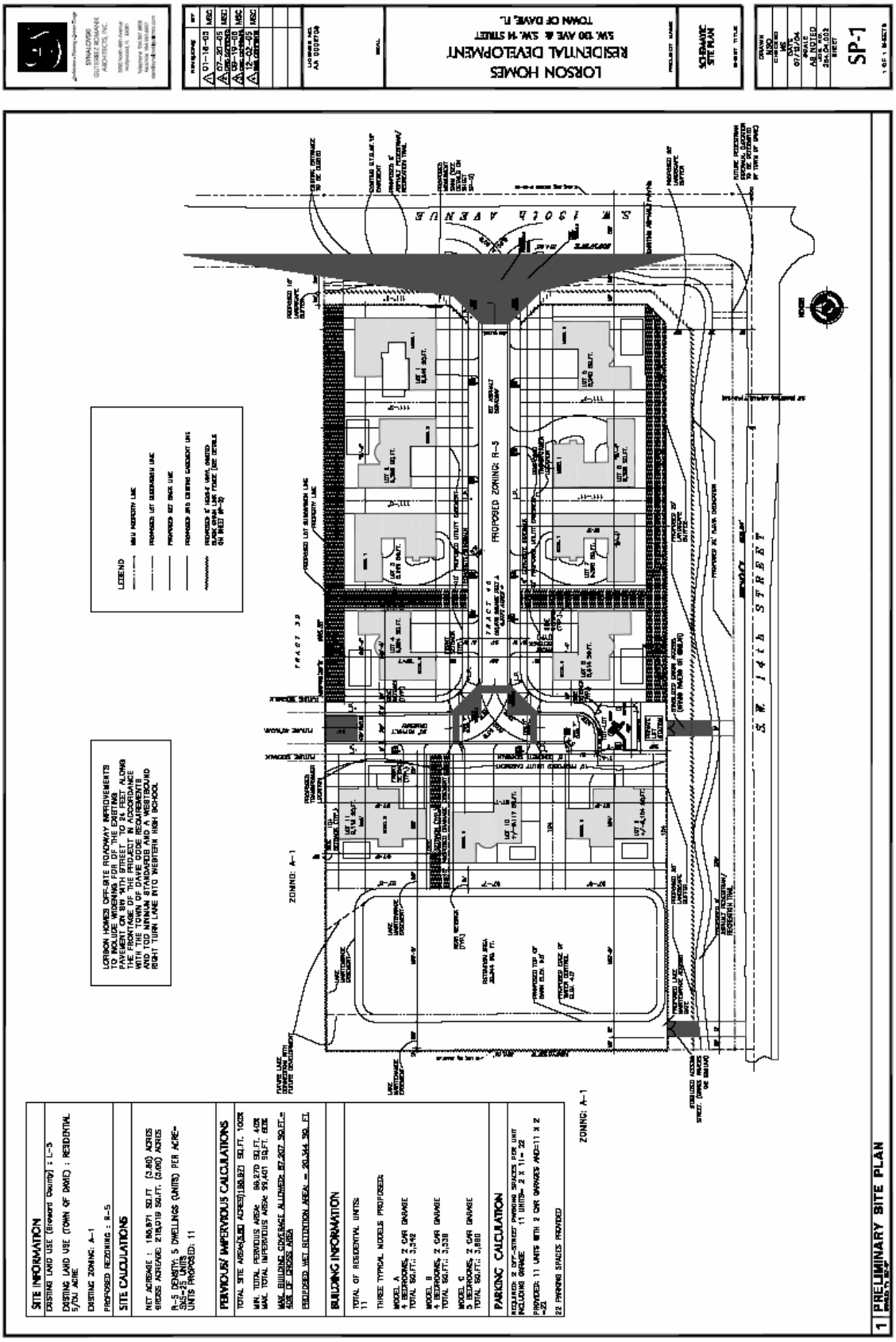


Exhibit 3 ***(Future Land Use Map)***

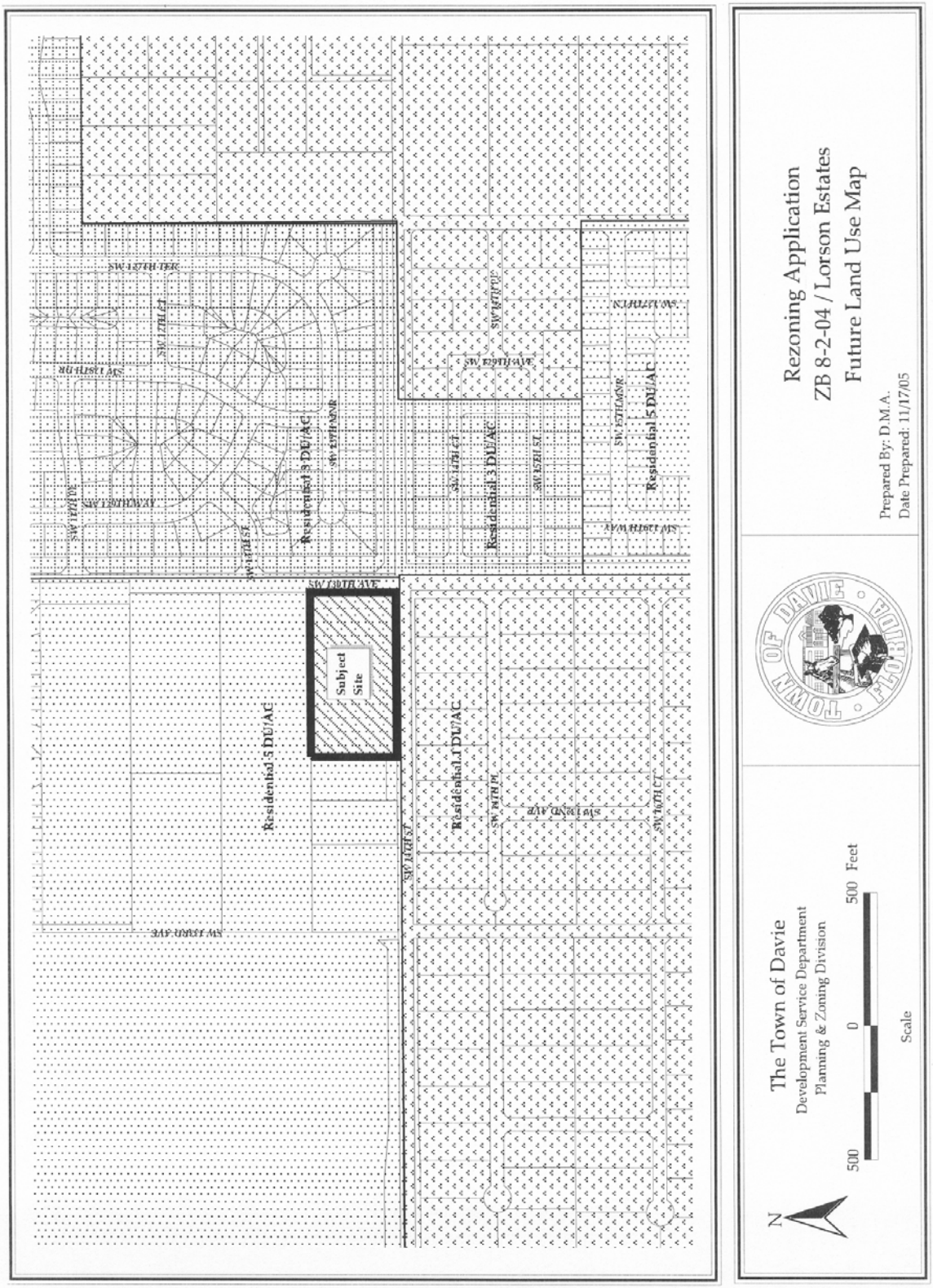
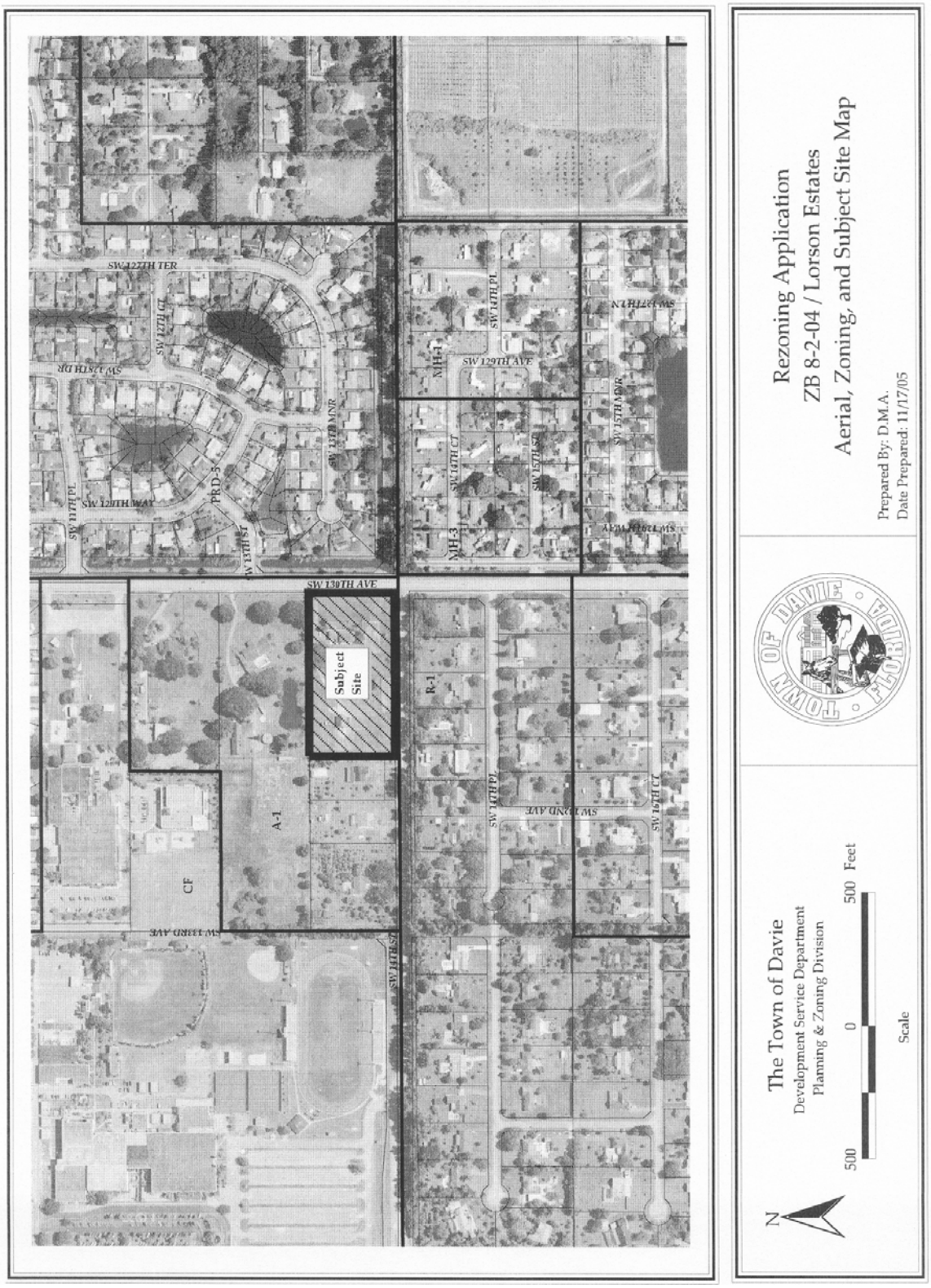


Exhibit 4 ***(Subject Site, Zoning, and Aerial Map)***


SW 127TH TER
SW 125TH DR
SW 127TH CT
SW 11TH PL
SW 120TH WAY
PRD-5
SW 11TH MNR
SW 11TH ST
SW 130TH AVE
Subject Site
CF
A-1
SW 13RD AVE
SW 11TH ST
R-1
SW 14TH PL
SW 14TH CT
SW 15TH ST
SW 129TH AVE
MH-1
MH-3
SW 14TH PL
SW 15TH MNR
SW 129TH WAY
SW 16TH CT
SW 2ND AVE
Rezoning Application
ZB 8-2-04 / Lorson Estates
Aerial, Zoning, and Subject Site Map
Prepared By: D.M.A.
Date Prepared: 11/17/05
TOWN OF DAVIE FLORIDA
The Town of Davie
Development Service Department
Planning & Zoning Division
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